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LETTER DATED 18 JANUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Fully appreciative of your interest in the situation in Kosovo and Metohija, the Autonomous Province of the Yugoslav constituent Republic of Serbia, I am enclosing herewith a copy of the letter dated 18 January 1999 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, Mr. Zivadin Jovanovic, addressed to the Minister for Foreign Affairs of the Kingdom of Norway and Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), Mr. Knut Vollebaak (see annex), concerning the declaration of Ambassador William Walker, Director of the OSCE Kosovo Verification Mission, as a persona non grata by the Government of the Federal Republic of Yugoslavia. As you will see from the enclosed letter, the Yugoslav Government took the decision exclusively because of the unacceptable, unprincipled and insulting behaviour of Ambassador Walker towards the Yugoslav State and Government.

I take this opportunity to assure you that the Government of the Federal Republic of Yugoslavia is firmly committed to the principles and goals of the Charter of the United Nations and the norms of international law, as well as to cooperation with the international community, the United Nations in particular, and to a consistent implementation of relevant Security Council resolutions on Kosovo and Metohija. At the same time, however, I should like to point out that the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia are determined in their resolve to continue their cooperation with the OSCE Kosovo Verification Mission in accordance with the Agreement reached on 16 October 1998, aimed at creating conditions for a lasting, peaceful and political solution of the situation in Kosovo and Metohija, which remains the first priority of the Federal Republic of Yugoslavia.

Enclosed herewith is also an information sheet on the police operations of search and arrest of a terrorist group in the village of Racak near Stimlje on 15 January 1999 (see enclosure).

I should be very grateful if you would have the text of the present letter and its enclosures distributed as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

Annex

Letter dated 18 January 1999 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the Minister for Foreign Affairs of the Kingdom of Norway and Chairman-in-Office of the Organization for Security and Cooperation in Europe

As you are aware, paragraph 8(1) of the Agreement on the Organization for Security and Cooperation in Europe (OSCE) Verification Mission in Kosovo and Metohija, signed on 16 October 1998, states that the 1961 Vienna Convention on Diplomatic Relations applies to the Mission.

The Head of the Kosovo Verification Mission, Ambassador William Walker, through the overall attitude he displayed in his capacity as the Head of the Kosovo Verification Mission by insulting the dignity and usurping the authority of the competent State organs of the Federal Republic of Yugoslavia, as the host country, has flagrantly violated the provisions of the Vienna Convention as well as the provisions of the Agreement of 16 October 1998. Having this in mind and proceeding from article 9 of the Vienna Convention the Federal Government of the Federal Republic of Yugoslavia decided today to declare Mr. William Walker, the Head of the Verification Mission in Kosovo and Metohija persona non grata. Accordingly, Mr. William Walker is obliged to leave the territory of the Federal Republic of Yugoslavia in 48 hours.

I avail myself of this opportunity to reiterate the readiness of the Federal Government of the Federal Republic of Yugoslavia to continue its full cooperation with the Kosovo Verification Mission as well as with OSCE, in the consistent implementation of all agreements confident that this is in the mutual interest of the Federal Republic of Yugoslavia and OSCE and in accordance with the efforts towards a lasting political solution in Kosovo and Metohija, which is our fundamental goal.

(Signed) Živadin JOVANOVIĆ

Enclosure

Facts regarding police operations of search and arrest of a terrorist group in the village of Racak near Stimlje on 15 January 1999

In the early morning of 15 January 1999, police officers blocked the village of Racak, municipality of Stimlje, in an attempt to arrest a terrorist group.

Five days before this arrest operation, the terrorist group killed police officer Svetislav Przic in the village of Racak. This terrorist group committed many criminal acts of terrorism punishable under article 125 of the Penal Code of the Federal Republic of Yugoslavia, by killing police officers Sinisa Mihajlovic, Nazmija Aluri and Svetislav Przic, a member of the Urosevac police reserve, Stimlje police station (they were killed in attacks carried out on 10 September and 29 October 1998 and on 10 January 1999); Sasa Jankovic and Ranko Djordjevic, members of the Gnjilane police reserve (killed on 2 August and 12 October 1998), and by killing civilians Miftar Resani (on 31 December 1998) and Enver Gasi (on 2 January 1999). In the municipalities of Urosevac and Stimlje, this terrorist group abducted members of the Albanian as well as of the Romany ethnic group and burned the house of Djemalj Bitici, an Albanian from the village of Racak (on 18 November 1998).

As they approached the village of Racak, the terrorist groups attacked police officers from trenches, bunkers and fortifications, using automatic weapons, portable grenade launchers and mortars. In this attack police officer Goran Vucicevic was wounded, while a number of official vehicles of the Interior Ministry of the Republic of Serbia were damaged. In response to the attack, police officers used firearms and destroyed the terrorist groups. Several dozen terrorists were killed in the fighting, the majority of whom were wearing uniforms with the insignia of the terrorist so-called KLA.

On this occasion, police officers confiscated one 12.7 mm Browning machine-gun, two submachine-guns, 36 automatic rifles, two snipers, a large amount of ammunition and hand grenades, radios and other military equipment.

The Organization for Security and Cooperation in Europe (OSCE) Kosovo Verification Mission was informed of the beginning of the arrest operation and arrived at the scene of the fighting.

Immediately after the fighting, the police investigating team came to the scene headed by Investigating Magistrate Danica Marinkovic of the Pristina District Court and the Deputy Public Prosecutor, Ismet Sufta, but the terrorists who were concentrated in the neighbouring highlands opened fire and prevented the further on-site investigation.

The next day, on 16 January 1999, the on-site investigation was again prevented because the OSCE Kosovo Verification Mission insisted that the Investigating Magistrate carry out the investigation without the police presence, explaining that the fighting might be resumed.

In the wake of undertaking this police operation of search and arrest of the terrorist group because it had committed terrorist attacks, murders and abductions of police officers and citizens in the Urosevac and Stimlje areas, the Head of the OSCE Kosovo Verification Mission, Mr. William Walker, immediately accused "the Yugoslav security forces" of the massacre of 45 civilians in the village of Racak, which he had "seen" himself, and gave an ultimatum that investigators of the International Tribunal for the Former Yugoslavia must be allowed to come to Kosovo and Metohija in the following 24 hours. He stated at the press conference that the villagers had guided him to the site where he saw bodies of 20 murdered civilians ("who had obviously been executed where they lay" and that "none were in other than civilian clothes" and "looked like humble village inhabitants"). He stated that the Kosovo Verification Mission had counted 36 while the Kosovo Diplomatic Observer Mission had established that there were 45 victims.

Mr. William Walker declared this whole conflict a conflict with the civilian population, disregarding the fact that they had been armed, had been arrested by the police and had engaged in attacks on the police. He also omitted the fact that the police had been attacked, provoked and forced to defend themselves using firearms against the armed terrorist attacks. His statement, given to the Kosovo and Metohija government officials who had informed him of all the facts, that the world would believe him rather than the arguments and facts by legal authorities of our country, was shocking.

At the same time, Mr. William Walker himself, without informing the Yugoslav authorities, visited the village of Racak and was accompanied by his associates. In this way he expressed an obvious attempt to monopolize the interpretation of developments and to approach the establishment of actual facts with prejudice. He disregarded the fact that the Yugoslav authorities are sovereign in every part of the State territory and are solely competent to establish the facts, within the framework of legal proceedings and in the presence of the Kosovo Verification Mission, and to publicize the truth. By his behaviour, false and malicious interpretations, disrespect of the competent Yugoslav authorities and laws, Mr. Walker violated most flagrantly his verification mandate and the Agreement with OSCE.

On 17 January 1999, the Head of the Coordinating Team of the Commission for Cooperation with the OSCE Verification Mission in Kosovo and Metohija of the Federal Government, Mr. Dusan Loncar, sent a protest note to the Head of the OSCE Mission in Kosovo and Metohija, Mr. William Walker, because of his behaviour, in particular because of the prevention on his part of the on-site investigation in the village of Racak aimed at objectively establishing the true course of events. The on-site investigation, which was scheduled for 17 January 1999, in the period from 8 a.m. to 1 p.m., with the request that Mr. Walker should verify the on-site investigation, did not begin because of the attack, launched from the villages of Rance and Petrovo, by Albanian terrorists who used mortars and machine-guns. On this occasion, one of the launched grenades fell near Magistrate Danica Marinkovic, while grenades launched by the terrorists directly endangered the lives of police officers and the security of the Magistrate.

At the same time, protest was expressed to Mr. Walker because of the prevention of an on-site investigation by the Magistrate, with the request that the verifiers be engaged exclusively in the function of verification of the investigation and the work of the Magistrate and her security.

During this police action, Mujota Sadik (b. 1943), a terrorist from the village of Malopoljce, the municipality of Stimlje, as well as his daughter who was an active member of the terrorist organization, the so-called KLA, were killed. Mujota and his brothers, three sons and a daughter, headed the terrorist group consisting of a number of persons who participated in many terrorist attacks against the Interior Ministry officers and members of the Army of Yugoslavia in the municipality of Stimlje.

Subsequent to the agreements signed by the President of the Federal Republic of Yugoslavia, Mr. Slobodan Milosevic, and the United States Special Envoy, Mr. Richard Holbrooke, in the period from 13 October 1998 to 14 January 1999, in the region of the Autonomous Province of Kosovo and Metohija, the Albanian separatists carried out a total of 599 terrorist attacks and provocations, of which 186 were launched against the citizens and 413 against the Interior Ministry officers. In these attacks 53 persons were killed (37 civilians and 16 police officers), 36 persons sustained serious injuries (13 civilians and 23 police officers), while 76 persons sustained light injuries (38 civilians and 38 police officers). A total of 43 persons were abducted (39 civilians and 4 police officers), of which 3 were killed (1 civilian and 2 police officers), 17 were released (16 civilians and 1 police officer), while the fate of 22 civilians and 1 police officer is still unknown.